

REMARKS

Reconsideration is requested.

Claims 1-70 and 81 have been canceled, without prejudice.

Claims 71-80 and 82-96 are pending.

Claim 84 has been amended to obviate the Rule 75 objection to the same.

Withdrawal of the objection to claim 84 are requested.

The Section 112, first paragraph, rejection of claims 71 and 96, to the extent not obviated by the above amendments, is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following comments as well as the attached documents.

The claims are directed to a cell culture process for the production of human Flavivirus vaccine compositions. The exemplified use of YF17D is sufficient to teach one of ordinary skill in the art to make and use the presently claimed invention. Moreover, one of ordinary skill in the art will appreciate from the present description those cells which may be used to culture Flavivirus. The applicants submit the attached reference of Post et al. (Mem Inst Oswaldo Cruz, Rio de Janeiro, Vol. 96(6): 849-857, August 2001) and the Theiler and Smith (Journal of Experimental Medicine, 65: 767-786 (1937)) reference cited therein as an example of the level of ordinary skill in the art. The present application describes the use of a variety of cells in the process of the claimed invention. One of ordinary skill in the art would be able to make and use the claimed invention without undue experimentation. Withdrawal of the Section 112, first paragraph, rejection of claims 71-96 is requested.

The Section 112, second paragraph, rejection of claims 71-96 is, to the extent not obviated by the above, traversed. Reconsideration and withdrawal of the rejection is requested.

The Examiner has objected to claims 71 and 85 as allegedly including a vague and indefinite recitation of the cell density. See, page 8 of the Office Action dated May 29, 2003 (Paper No. 21). The Examiner's comments are not understood and clarification is requested. One of ordinary skill in the art would be able to measure and adjust the cell density of cell cultures without undue experimentation.

While the applicants do not agree with the Examiner's characterization of step (d) of claim 71 and 85, stated on page 8 of Paper No. 21, claims 71 and 85 have been amended to obviate the rejection.

Claim 72 and 86 have been amended similarly to delete the objected-to phrase. The applicants note however that one of ordinary skill in the art would appreciate those cells capable of producing interferon when infected by the virus or could determine the same without undue experimentation. The unamended claims are not indefinite. The claims have been amended however to advance prosecution, without prejudice.

Claims 75-76 and 89 have been amended to refer to "cell" density to obviate the rejection of claim 75-76 and 90. The claims are submitted to be definite.

Claims 79 and 92 have been corrected to refer to "an amino acid". The claims are submitted to be definite.

Claims 79 and 92 recite a proper Markush group and that the elements of the Markush group will be recognized as being human serum albumin, a peptide, an amino acid, and a protein. The claims are definite.

Claim 85 has been amended to obviate the Section 112, second paragraph, rejection of claim 85 stated on page 9 of Paper No. 21. The claims, as amended, are submitted to be definite. Reconsideration and withdrawal of the Section 112, second paragraph, rejections are requested.

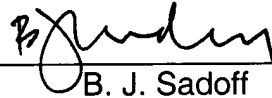
The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

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By: _____



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